

ATTORNEY DKT NO.: K0208-0013

PATENT

#3

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Iijima, Kazumi  
Serial No.: 09/647,279  
Art Unit: Not Yet Known  
Examiner: Not Yet Known  
Filed: September 26, 2000  
Title: PLASTIC SYRINGE BARREL AND METHOD OF IMPROVING SAME

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Commissioner, Assistant Commissioner for Patents  
Washington, D.C. 20231  
BOX PCT

## EXPRESS MAIL CERTIFICATE

Express Mail Label No.: EH 835610993 US Date of Deposit: June 3, 2002

I hereby certify that the following attached papers:

1. Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office Cover Letter;
2. Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office;
3. Copy of Express Mail Certificate dated July 18, 2001;
4. Copy of Return Postcard date stamped by OIPE July 18, 2001;
5. Copy of Express Mail Label EL625996565US date stamped July 18, 2001;
6. Copy of check # 108856 in the amount of \$130.00;
7. Copy of Fee Transmittal dated July 18, 2001;
8. Copy of Power of Attorney signed and dated June 22, 2001;
9. Copy of Transmittal Form dated July 18, 2001;
10. Copy of Declaration for Utility or Design Patent Application signed and dated June 22, 2001;
11. Copy of USPTO Filing Receipt dated 12/26/2001, and;
12. Return Postcard

are being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Box PCT, Honorable Commissioner of Patents and Trademarks, Washington, D.C. 20231.

ANTHONY BROWN

(Printed name of person mailing paper(s) or fee)

Anthony Brown

(Signature of person mailing paper(s) or fee)

Mailing Address:

PATTERSON, BELKNAP, WEBB & TYLER LLP  
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Telephone: (212) 336-2000  
Facsimile: (212) 336-2222

PC DOCS

ATTORNEY DKT. NO.: K0208.13

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Iijima, Kazumi	Group Art Unit: Not Yet Known
Filed:	September 26, 2000	
U.S. Serial No.:	09/647,279	Examiner: Not Yet Known
For:	PLASTIC SYRINGE BARREL AND METHOD OF IMPROVING SAME	

Honorable Commissioner of Patents & Trademarks  
Washington, D.C. 20231  
BOX PCT

June 3, 2002

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Sir:

This is in response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)," dated April 1, 2002 in the above-captioned application. A copy of the notification is enclosed. The notification states that an oath or declaration in compliance with 37 C.F.R. § 1.497(a) and (b) is missing from the application file and must be submitted within two months of the date of the notice.

Applicant believes that the April 1, 2002 Notice is in error and that all required application materials, including a declaration, have been submitted in this application.

Applicant encloses a copy of Express Mail Certificate for Express Mail Label No. EL625996565US, certifying that on July 18, 2001, the following documents were deposited with the United States Postal Service's "Express Mail" service under 37 C.F.R. § 1.10, addressed to the Assistant Commissioner of Patents, Washington, D.C. 202131, for submission in U.S. Patent Application Serial No. 09/647,279:

1. Declaration for Utility Patent Application;
2. Transmittal Form;
3. Power of Attorney;
4. Fee Transmittal Form; and
5. Check for \$130

Applicant also encloses copies of the five documents listed above, as well as a copy of Express Mail Label No. EL625996565US, and a copy of a stamped return-receipt postcard indicating that the Patent and Trademark Office received those documents by Express Mail dated July 18, 2001.

Applicant thus respectfully submits that the declaration of the inventor was sent to the Patent and Trademark Office on July 18, 2001 and that the April 1, 2002 Notification of Missing Requirements is incorrect in stating that the declaration is missing from the application file.

Applicant believes that the declaration and other papers submitted on July 18, 2001, may have been placed inadvertently in another application file. Applicant encloses a copy of a filing receipt dated December 26, 2001, for U.S. Patent Application Serial No. 09/674,279, which has an application number that differs from the application number of the present case only in that two of the digits are transposed. The filing receipt for application number 09/674,279 lists the same inventor, but, among other things, lists a different invention title, a different priority application, and a different filing date for the international application. The filing receipt indicates that the Patent and Trademark Office received the 35 U.S.C. § 371(c)(1), (c)(2) and (c)(4) requirements for that case on July 18, 2001, the same date on which Applicants in the present case submitted the declaration and other documents mentioned above. These circumstances may explain why the Patent and Trademark Office is not aware of the inventor's declaration in the present case.

Applicant respectfully submits that this response to the Notification of Missing Requirements is timely and within the two month period for response set forth in that Notification. Although no fee is believed to be due in connection with this paper, the Assistant Commissioner is hereby authorized to charge (or credit) Deposit Account No. 16-0633 with any additional fees or overpayments which arise in connection with this paper.

The undersigned may be reached at 212-336-2671 or at the mailing address below.

Respectfully submitted,



Neal K. Feivelson  
Reg. No. 41,740  
Attorney for Applicant

Dated: June 3, 2002

Mailing address:

PATTERSON, BELKNAP, WEBB & TYLER LLP  
1133 Avenue of the Americas  
New York, NY 10036

## PCT National Phase Application

Please type a plus sign (+) inside this box → 

PTO/SB/21 (08-00)

Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number	09/647,279
Filing Date	September 26, 2000
First Named Inventor	Kazumi Iijima
Group Art Unit	N/A
Examiner Name	N/A
Total Number of Pages in This Submission	6
Attorney Docket Number	K0208-013

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	-Declaration for Utility Patent Application.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	- Express Mail Certificate
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

Neal K. Feivelson, Esq., Reg. No. 41,740

Signature

Date

July 18, 2001

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 

Typed or printed name

Signature

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## PCT National Phase Application

PTO/SB/17 (11-00)

Approved for use through 10/31/2002, OMB 0651-0032  
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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

## Complete if Known

Application Number	09/647,279
Filing Date	September 26, 2000
First Named Inventor	Kazumi Iijima
Examiner Name	N/A
Group Art Unit	N/A
Attorney Docket No.	K0208-013

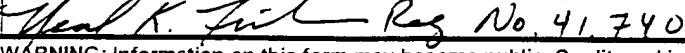
METHOD OF PAYMENT			
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:			
Deposit Account Number	16-0633		
Deposit Account Name	Patterson, Belknap		
<input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
2. <input checked="" type="checkbox"/> Payment Enclosed:			
<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Credit card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other

FEE CALCULATION			
1. BASIC FILING FEE			
Large Entity	Small Entity		
Fee Code (\$)	Fee Code (\$)		
101 710	201 355	Utility filing fee	<input type="text"/>
106 320	206 160	Design filing fee	<input type="text"/>
107 490	207 245	Plant filing fee	<input type="text"/>
108 710	208 355	Reissue filing fee	<input type="text"/>
114 150	214 75	Provisional filing fee	<input type="text"/>
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES			
Total Claims	-20** = <input type="text"/> X <input type="text"/> = <input type="text"/>		
Independent Claims	-3*** = <input type="text"/> X <input type="text"/> = <input type="text"/>		
Multiple Dependent	<input type="text"/> = <input type="text"/>		
Large Entity	Small Entity		
Fee Code (\$)	Fee Code (\$)		
103 18	203 9	Claims in excess of 20	<input type="text"/>
102 80	202 40	Independent claims in excess of 3	<input type="text"/>
104 270	204 135	Multiple dependent claim, if not paid	<input type="text"/>
109 80	209 40	** Reissue independent claims over original patent	<input type="text"/>
110 18	210 9	** Reissue claims in excess of 20 and over original patent	<input type="text"/>
SUBTOTAL (2) (\$)			

\*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)					
3. ADDITIONAL FEES	Large Entity	Small Entity	Fee Description	Fee Paid	
105 130	205	65	Surcharge - late filing fee or oath	<input type="text"/>	
127 50	227	25	Surcharge - late provisional filing fee or cover sheet	<input type="text"/>	
139 130	139	130	Non-English specification	<input type="text"/>	
147 2,520	147	2,520	For filing a request for ex parte reexamination	<input type="text"/>	
112 920*	112	920*	Requesting publication of SIR prior to Examiner action	<input type="text"/>	
113 1,840*	113	1,840*	Requesting publication of SIR after Examiner action	<input type="text"/>	
115 110	215	55	Extension for reply within first month	<input type="text"/>	
116 390	216	195	Extension for reply within second month	<input type="text"/>	
117 890	217	445	Extension for reply within third month	<input type="text"/>	
118 1,390	218	695	Extension for reply within fourth month	<input type="text"/>	
128 1,890	228	945	Extension for reply within fifth month	<input type="text"/>	
119 310	219	155	Notice of Appeal	<input type="text"/>	
120 310	220	155	Filing a brief in support of an appeal	<input type="text"/>	
121 270	221	135	Request for oral hearing	<input type="text"/>	
138 1,510	138	1,510	Petition to institute a public use proceeding	<input type="text"/>	
140 110	240	55	Petition to revive - unavoidable	<input type="text"/>	
141 1,240	241	620	Petition to revive - unintentional	<input type="text"/>	
142 1,240	242	620	Utility issue fee (or reissue)	<input type="text"/>	
143 440	243	220	Design issue fee	<input type="text"/>	
144 600	244	300	Plant issue fee	<input type="text"/>	
122 130	122	130	Petitions to the Commissioner	<input type="text"/>	
123 50	123	50	Processing fee under 37 CFR 1.17(q)	<input type="text"/>	
126 180	126	180	Submission of Information Disclosure Stmt	<input type="text"/>	
581 40	581	40	Recording each patent assignment per property (times number of properties)	<input type="text"/>	
146 710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="text"/>	
149 710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="text"/>	
179 710	279	355	Request for Continued Examination (RCE)	<input type="text"/>	
169 900	169	900	Request for expedited examination of a design application	<input type="text"/>	
Other fee (specify) Surcharge for Oath 30 months from Priority Date per 37 CFR 1.492(e)				130.00	
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)	
				130.00	

SUBMITTED BY		Complete if applicable		
Name (Print/Type)	Neal K. Feivelson, Esq.	Registration No. (Attorney/Agent)	41,740	Telephone (212) 336-2000
Signature				Date 07/18/01

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**PATTERSON, BELKNAP, WEBB & TYLER LLP**

OPERATING ACCOUNT

1133 Avenue of the Americas  
New York, NY 10036-6710

108856

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Private Banking Division  
153 East 53 Street  
New York, New York 10043

1-8/210

07/13/01

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Commissioner of Patents  
Washington, DC 20231

**\$130.00 \*\*\*\*\***

Two Signatures Required if over \$100,000

"#108856" "#0210000891" "59212622"